

SENATE BILL REPORT

SHB 1785

As Reported By Senate Committee On:
Health & Long-Term Care, March 26, 2003

Title: An act relating to disclosure of client information by mental health counselors, marriage and family therapists, and social workers.

Brief Description: Limiting disclosure of client information.

Sponsors: House Committee on Health Care (originally sponsored by Representatives Cody, Pflug, Skinner, Schual-Berke, Dickerson and Edwards).

Brief History:

Committee Activity: Health & Long-Term Care: 3/26/03 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Deccio, Chair; Franklin, Parlette and Thibaudeau.

Staff: Tanya Karwaki (786-7447)

Background: There are registered and licensed mental health counselors, marriage and family therapists, and social workers in Washington.

Washington law requires both registered and licensed mental health counselors, marriage and family therapists, and social workers to give clients beginning treatment certain disclosure information. The disclosure information must include the right of the client to refuse treatment, the responsibility of clients to choose the provider and course of treatment that best meets their needs, and the extent of the confidentiality provided by the statutory chapter governing these counselors, therapists and social workers. The disclosure information must also include the practitioner's education and training, the proposed course of treatment where known, and financial requirements. The disclosure must be acknowledged in writing by the client and the practitioner.

Currently, Washington law specifies the confidentiality requirements for registered mental health counselors, marriage and family therapists, and social workers, but does not specify the confidentiality requirements for licensed practitioners.

Summary of Bill: Licensed mental health counselors, marriage and family therapists, and social workers are prohibited from disclosing either the acknowledgment of the disclosure statement or any information acquired from the client that was necessary for the professional services, unless one of five exceptions is satisfied. These exceptions are: (1) with written authorization; (2) if the client brings charges against the license holder; (3) in response to a subpoena from the Secretary of Health; (4) as required by mandatory reporting statutes concerning child abuse, vulnerable adult abuse, or testimony and records at a probable cause

hearing regarding involuntary detention; or (5) if the licensee reasonably believes that disclosure avoids or minimizes an imminent danger to the client or another person. If one of these exceptions is met, then the license holder is not prohibited from disclosing the client's information.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is a clean up bill. The confidentiality requirements were unintentionally left out when this group of workers switched from being credentialed to being licensed. This bill corrects a technical error.

Testimony Against: None.

Testified: PRO: Laura Groshong, WA State Society for Clinical Social Work; Nick Federici, WA Assn. for Marriages and Family Therapy; Melanie Stewart, WA Mental Health Counselors.